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In re Application of :
ABATE *et al* :
U.S. Application No.: 10/570,595 :
PCT No.: PCT/IT2003/000534 :
Int. Filing Date: 06 September 2003 : DECISION
Priority Date: None :
Attorney Docket No.: ABATE 2 :
For: AUTOMATED MULTI-FUNCTION :
DESK FOR USE IN A POST OFFICE :

This decision is in response to the "Petition to Correct Application Number on Transmittal Letter" filed on 07 March 2008 which is treated as a petition under 37 CFR 1.182.

BACKGROUND

On 06 March 2006, applicants filed a national stage application listing the international application number on the transmittal letter (Form PTO-1390) as PCT/IT2004/000534.

On 30 November 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt. The international application was listed as PCT/IT2004/000534.

On 07 March 2008, applicants filed a petition to change the underlying PCT application in the above-identified national stage application.

DISCUSSION

In the papers filed 17 September 2007, applicants petition to correct the PCT number to PCT/IT2003/000534. Applicants state that the transmittal letter had a typographical error incorrectly identified the underlying PCT application as PCT/IT2004/000534 rather than PCT/IT2003/000534.

Despite this error, petitioners argue that the national phase application as filed is sufficient to identify the correct international application number.

10/570,595

This request is treated as a petition under 37 CFR 1.182. The \$400.00 petition fee has been paid.

A review of the above-captioned application file verifies that the wrong U.S. application number, PCT/IT2004/000534, was designated on the transmittal letter and preliminary amendment filed 06 March 2006.

Nonetheless, all other indications on the transmittal letter including the name of the first inventor, the title, and the international filing date correspond to PCT/IT2003/000534. In addition, the specification, drawings and claims and the amendment of the claims are for PCT/IT2003/000534. Moreover, the Application Data Sheet submitted with the application denotes the underlying international application as PCT/IT2003/000534.

As such, it is clear that the subject application was intended to be filed as the national stage of PCT/IT2003/000534. This is sufficient for a grantable petition.

CONCLUSION

For the reasons listed above, the petition under 37 CFR 1.182 is **GRANTED**.

The subject application is the national stage of PCT/IT2003/000534 filed 06 September 2003.

The Form PCT/DO/EO/903 and filing receipt mailed 30 November 2007 both contain erroneous PCT information and are hereby **VACATED**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for the issuance of a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt.

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